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S E C R E T SECTION 01 OF 02 HARARE 001722

SIPDIS

NOFORN

AF/S FOR DMOZENA AND BNEULING
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE

E.O. 12958: DECL: 10/15/2014

TAGS: [PGOV](#) [PHUM](#) [ZI](#) [MDC](#)

SUBJECT: OPPOSITION LEADER ACQUITTED

REF: (A) HARARE 1571 (B) HARARE 1224 (C) HARARE 334
AND PREVIOUS

Classified By: Classified by Charge d'Affaires Paul Weisenfeld under Section 1.5 b/d

11. (U) To a packed courtroom in the late morning of October 15, High Court Justice Paddington Garwe pronounced Movement for Democratic Change President Morgan Tsvangirai not guilty on a charge of treason. The verdict brings to conclusion a trial that commenced more than a year ago in which the Government alleged that Tsvangirai had plotted with a Montreal-based consulting firm, Dickens and Madsen, to assassinate President Mugabe. Tsvangirai left the stunned courtroom immediately and returned to his residence with party supporters. Presiding Justice Garwe's 90 minute recounting of the facts of the case stressed the dubiousness of prosecution witnesses and the absence of evidence on key components of the charge. He noted that there was some evidence of "sinister" action on Tsvangirai's part, but concluded it was insufficient to convict him of treason.

12. (SBU) Tsvangirai's defense team told the Embassy that Garwe had done a good job in applying the law to the facts presented at trial. Tsvangirai still faces an additional charge of treason stemming from his involvement in mass action last year. A court date for that trial has not been set and his lawyers would not predict how imminent it might be, if it is set at all.

Celebration Suppressed Amid Relative Calm

13. (U) Within an hour after the verdict was announced, MDC supporters began loudly celebrating in front of the party's headquarters in downtown Harare. Witnesses from the Embassy's Public Affairs Office, which is close to the party headquarters, reported that armed police moved in quickly to disperse the crowd; by early afternoon the area had returned to ordinary business with reduced police presence. There have been unsubstantiated reports of isolated incidents of violence between police and apparently celebrating citizens downtown. Otherwise, embassies monitoring the streets of Harare reported relative calm by early afternoon, with ordinary business proceeding among a heavy police presence. Police were joined by military at many of the roadblocks along major traffic arteries as the day began. A military jet made several low passes over the downtown area as court proceedings commenced.

Uneven Access for Diplomats, Journalists

14. (SBU) American and other diplomats attempting to cover the trial were initially turned away by police, including one who threatened to use force to remove them. One policeman shoved a German diplomat several times with his baton as the diplomat was leaving. South African diplomats arriving after Western diplomats were permitted access. Following subsequent efforts by the Embassy through the Ministry of Foreign Affairs and police contacts, poloff was granted access to the courtroom, by which time most other diplomats had left. Most journalists at the scene were denied entry, including some who claimed to have gotten explicit advance authorization by the police commissioner.

Comment

15. (S/NF) COMMENT: Zimbabwe's beleaguered judiciary continues to surprise its critics with rulings against the Government. It is not clear whether this unexpected acquittal represents an assertion of judicial independence or is the product of executive direction. Garwe has long been painted by many as under Government control, but some who know him stressed to us that his ZANU-PF sympathies were constrained by his priority on judicial integrity. Two earlier postponements of the verdict's announcement suggested some wrangling over the verdict, but it was unclear whether they stemmed from disagreements between Garwe and two independent assessors who had to sign off on the judge's assessment of the facts, or

were the result of government pressure. Separate RMAS reporting indicates that senior security officials believed right up to the day before the announcement that the verdict was going to be found guilty. The unusual admission of some foreign journalists into the country specifically for the verdict announcement, including a CNN correspondent, evidences GOZ interest in spinning the story to international audiences but does not necessarily indicate advance knowledge by senior GOZ circles. Whether the Government directed the verdict or not, it can be expected to exploit the acquittal as a vindication of the rule of law in Zimbabwe and as evidence of a level political playing field in the run-up to its March parliamentary elections.

WEISENFELD